

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Warner Bros. Home Entertainment Inc.,
Plaintiff,

v.

Luis Alberto Ontanon a/k/a Louis A.
Ontanon a/k/a Luis A. Lopezontanon,
John Wagner a/k/a John Felton Wagner,
and Does 2 – 10, inclusive,
Defendants.

Case No. CV17-1158 AB (KSx)

~~[PROPOSED]~~ CONSENT DECREE
AND PERMANENT INJUNCTION

The Court, having read and considered the Joint Stipulation for Entry of Consent Decree and Permanent Injunction that has been executed by Plaintiff Warner Bros. Home Entertainment Inc. (“Plaintiff”) and Defendant John Wagner a/k/a John Felton Wagner a/k/a Luis Alberto Ontanon a/k/a Louis A. Ontanon a/k/a Luis A. Lopezontanon (“Defendant”) in this action, and good cause appearing therefore, hereby:

ORDERS that based on the Parties’ Stipulation and only as to Defendant, his successors, heirs, and assignees, this Injunction shall be and is hereby entered in the within action as follows:

- 1) This Court has jurisdiction over the parties to this action and over the subject matter hereof pursuant to 17 U.S.C. § 101 *et*

1 *seq.*, and 28 U.S.C. §§ 1331 and 1338. Service of process was properly made against
2 Defendant.

3 2) Plaintiff owns or controls the pertinent exclusive rights to distribute or license
4 the distribution of home video and digital products, including video home cassettes as
5 well as optical discs, including, but not limited to, digital versatile discs (DVDs) and
6 Blu-ray discs incorporating copyrights to motion pictures and television episodes
7 owned or controlled by Plaintiff, including, but not limited to, those which are the
8 subject of the copyright registrations listed in Exhibit “A” attached hereto and
9 incorporated herein by this reference (collectively referred to herein as “Plaintiff’s
10 Works”).

11 3) Plaintiff has alleged that Defendant has made unauthorized uses of Plaintiff’s
12 Works or substantially similar likenesses or colorable imitations thereof.

13 4) Defendant and his agents, servants, employees, representatives, successor and
14 assigns, and all persons, firms, corporations or other entities in active concert or
15 participation with him who receive actual notice of the Injunction are hereby
16 restrained and permanently enjoined from infringing – directly, contributorily or
17 vicariously – or enabling, facilitating, permitting, assisting, soliciting, encouraging,
18 inducing, authorizing, aiding or abetting, materially contributing to, or persuading
19 anyone to infringe in any manner Plaintiff’s Works, including, but not limited to, the
20 following:

- 21 a) Copying, reproducing, downloading, distributing, uploading, linking to,
22 transmitting, or publicly performing, or using trademarks, trade names or
23 logos in connection with unauthorized media products containing any of
24 Plaintiff’s Works;
- 25 b) Enabling, facilitating, permitting, assisting, soliciting, encouraging,
26 abetting, or inducing any person or entity to copy, reproduce, download,
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1 distribute, upload, link to, transmit, or publicly perform any unauthorized
2 versions of Plaintiff's Works; or

- 3 c) Profiting from the unauthorized copying, reproduction, downloading,
4 distribution, uploading, linking to, transmission, or public performance of
5 any of Plaintiff's Works while declining to exercise a right to stop or limit
6 such unauthorized copying, reproduction, downloading, distribution,
7 uploading, linking to, transmission, or public performance of any of
8 Plaintiff's Works.

9 5) Each side shall bear its own fees and costs of suit.

10 6) Except as provided herein, all claims alleged in the Complaint are dismissed
11 without prejudice.

12 7) This Injunction shall be deemed to have been served upon Defendant at the time
13 of its execution by the Court.

14 8) The Court finds there is no just reason for delay in entering this Injunction and,
15 pursuant to Rule 54(a) of the Federal Rules of Civil Procedure, the Court directs
16 immediate entry of this Injunction against Defendant.

17 9) The Court shall retain jurisdiction of this action to entertain such further
18 proceedings and to enter such further orders as may be necessary or appropriate to
19 implement and enforce the provisions of this Injunction.

20 10) The above-captioned action, shall, upon filing by Plaintiff of the Settlement
21 Agreement, Stipulation for Entry of Judgment and Judgment Pursuant to Stipulation,
22 and requesting entry of judgment against Defendant, be reopened should Defendant
23 default under the terms of the Settlement Agreement.

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2 11) This Court shall retain jurisdiction over Defendant for the purpose of making
3 further orders necessary or proper for the construction or modification of this consent
4 decree and judgment; the enforcement hereof; the punishment of any violations
5 hereof; and for the possible entry of a further Judgment Pursuant to Stipulation in this
6 action.

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10 DATED: December 04, 2017

11 Hon. André Birotte Jr.
12 United States District Judge
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EXHIBIT A
COPYRIGHT REGISTRATIONS

<u>Copyright Registration Number:</u>	<u>Title of Work:</u>
PA0001929214	THE VAMPIRE DIARIES: I'LL REMEMBER
PA0001930884	THE VAMPIRE DIARIES: YELLOW LEDBETTER
PA0001930883	THE VAMPIRE DIARIES: WELCOME TO PARADISE
PA0001934240	THE VAMPIRE DIARIES: BLACK HOLE SUN
PA0001934236	THE VAMPIRE DIARIES: THE WORLD HAS TURNED AND LEFT ME HERE
PA0001934681	THE VAMPIRE DIARIES: THE MORE YOU IGNORE ME, THE CLOSER I GET
PA0001934671	THE VAMPIRE DIARIES: DO YOU REMEMBER THE FIRST TIME?
PA0001938635	THE VAMPIRE DIARIES: FADE INTO YOU
PA0001938636	THE VAMPIRE DIARIES: I ALONE
PA0001938637	THE VAMPIRE DIARIES: CHRISTMAS THROUGH YOUR EYES
PA0001948072	THE VAMPIRE DIARIES: WOKE UP WITH A MONSTER
PA0001948218	THE VAMPIRE DIARIES: PRAYER FOR THE DYING
PA0001948220	THE VAMPIRE DIARIES: THE DAY I TRIED TO LIVE
PA0001956555	THE VAMPIRE DIARIES: STAY
PA0001956554	THE VAMPIRE DIARIES: LET HER GO
PA0001956553	THE VAMPIRE DIARIES: THE DOWNWARD SPIRAL

PA0001954779	THE VAMPIRE DIARIES: A BIRD IN GILDED CAGE
PA0001956552	THE VAMPIRE DIARIES: I NEVER COULD LOVE LIKE THAT
PA0001959040	THE VAMPIRE DIARIES: BECAUSE
PA0001959039	THE VAMPIRE DIARIES: I'D LEAVE MY HAPPY HOME FOR YOU
PA0001959038	THE VAMPIRE DIARIES: I'LL WED YOU IN THE GOLDEN SUMMERTIME
PA0001959041	THE VAMPIRE DIARIES: I'M THINKING OF YOU ALL THE WHILE